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**JUL 29 2004**

**OFFICE OF PETITIONS**

In re Application of	:
Yasuhiro Omura	:
Application No. 10/762,546	: DECISION DISMISSING PETITION
Filed: January 23, 2004	: UNDER 37 CFR 1.55(c)
Attorney Docket No. 105202.06	:

This is a decision on the petition filed June 8, 2004, under 37 C.F.R. §1.55(c) requesting acceptance of an unintentionally delayed claim under 35 USC 119(a) through (d) for the benefit of the filing date of foreign Japanese Application No. 11-173775, filed June 21, 1999.

The petition is **DISMISSED**.

A petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority requires:

- (1) the nonprovisional application claiming the benefit of an earlier filing date must be filed on or after November 29, 2000;
- (2) the claim submitted with the petition must identify the prior foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by the application number, country, and the filing date, and must be supplied on an application data sheet in accordance with 37 CFR 1.76 or on the oath or declaration;
- (3) the surcharge as set forth in 37 CFR 1.17(t);
- (4) a statement that the entire delay between the date the claim was due under 37 CFR 1.55(a)(1)(i) and the date the claim was filed was unintentional. (The Commissioner may require additional information where there is a question whether the delay was unintentional); and
- (5) the above-identified nonprovisional application must be filed within 12 months of the filing date of the foreign application.

The petition is not in compliance with item (2) above.

Accordingly, before the petition under 37 CFR 1.55(c) can be granted, a substitute declaration or a proper ADS in compliance with 37 CFR 1.76 is required.

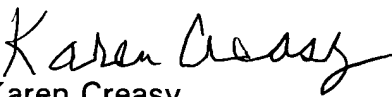
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Any questions concerning this matter may be directed to the undersigned at (703) 305-8859.

  
Karen Creasy  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy